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October 4, 2022

BY ECF

Honorable John P. Cronan
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Pedro Almonte, et al., v. City of New York, et al.,
22-CV-2903 (JPC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney representing Defendant City of New York ("City") in the above-referenced action. Defendant City writes to respectfully request that the Court, *sua sponte*, grant, individually named defendant retired New York City Police Department ("NYPD") Detective Pedro Roche an extension of time, from October 6, 2022 to November 4, 2022, to answer, move, or otherwise respond to the complaint. This is the first request for an extension of time to respond to the complaint. Plaintiffs' counsel consents to the request.

As background, plaintiffs allege, *inter alia*, that on April 8, 2019, NYPD officers unlawfully searched their home without a search warrant, subjected them to excessive force, and proceeded to prosecute plaintiff Pedro Almonte without probable cause. Plaintiffs also allege a Monell claim against defendant City based on a failure to train theory.

Defendant City recently learned that service was effected on defendant Roche on September 15, 2022, and therefore his answer to the complaint is due by October 6, 2022.¹ However, as Your Honor is aware, this office must resolve the legal representation of New York City police officers pursuant to General Municipal Law § 50-k. As such, this office is in the process of resolving representation of defendant Roche, and therefore requests that the Court *sua sponte* enlarge the time for defendant Roche to answer or otherwise respond to the complaint so that his defenses are not jeopardized while representation is being decided. Defendant City submits that no deadlines should be effected in the event that Your Honor is inclined to extend defendant Roche's time to answer.

Accordingly, Defendant City respectfully requests that Your Honor *sua sponte* grant defendant Roche an enlargement of time to respond to the complaint until November 4, 2022.

Thank you for your consideration of this matter.

Respectfully submitted,



Ramy Louis
Senior Counsel
Special Federal Litigation Division

CC: All Counsel of Record (via ECF)

¹ For the Court's information, service was effected on Defendant City on July 5, 2022 and Defendant's City answer was filed on September 6, 2022 (ECF No. 9), in accordance with the schedule set forth under Local Civil Rule 83.10.